

BAUG ISSUES
General Meeting

To Be Completed at the General Meeting

Opened	<input type="checkbox"/>	09/08/99	Unresolved	<input type="checkbox"/>	Date	Resolved	<input type="checkbox"/>	Date
Closed	<input type="checkbox"/>	05/16/00						

Issue 31: Denial of Loops Where There are “No Facilities”

We have received a significant number of order rejections due to lack of facilities. BA’s “no facilities” response could mean any of the following situations: 1) DLC or fiber-fed loops; 2) no copper facilities; and 3) defective facilities. BA would give no explanation for which situation was presented or how BA would resolve the “no facilities” issues.

CLEC Proposed Resolution: Bell Atlantic should implement a process where they will respond to the CLECs with exactly why there are no facilities listing the exact reason. They simply should not be able to just respond with “no facilities.” Bell Atlantic should also explain the process, if there is one, on what happens next to provide us with a facility. If there is no process, then one needs to be put into place. CLECs should be aware of how Bell Atlantic plans to build new facilities to make copper loops available to those CLECs that will be using the loops for data.

CLECs are requesting a response on process improvement.

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BA Director: Bill Bragg (973) 660-0258

SME/Meeting Contact: Jim Katzman, Covad (703) 645-1080

General Meeting Contact, if different:

Sponsor: Covad Communications, Rhythms Net, and Teligent, Teligent, Net2000, Allegiance, Alltel, Comcast, RCN

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Opened	<input type="checkbox"/> 07/08/99	Unresolved	<input type="checkbox"/> Date	Resolved	<input type="checkbox"/> Date
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Issue 32: Failure to Provision Loops/UNE/Access on the Committed Due Dates

Bell Atlantic continues to fail to meet its own due dates for loops. For example, the average interval to provision a loop should be 17 days on the aggressive side, and 20 days on the average. We are looking at an average of 42 days to provision a loop. This is totally unacceptable. It is very difficult to get a timely FOC which is an initial delay, but once Bell finally gives that, they should be able to provision it in a timely manner.

CLEC Proposed Resolution: Bell Atlantic should be able to honor the date on which they committed to. The whole provisioning aspect of getting the loop, from ordering the loop to waiting for the FOC, is becoming way to delay. It would be beneficial to learn how Bell provisions a loop to their retail customers and see if it is handled differently on the wholesale side.

At the March 2nd meeting, Bill Bragg (Bell Atlantic) discussed the provisioning process for DSL loops. Bell Atlantic will provide an update on its plans for new DSL loop TISOC centers in the Bell Atlantic region.

4-6-00 - The above response is not clear. CLECs require documented process/timetable for delivery including tagging loops before closing orders.

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BA Director: Bill Bragg (973) 660-0258

SME/Meeting Contact: Jim Katzman, Covad (703) 645-1080

General Meeting Contact, if different:

Sponsors: Covad Communications, Teligent, Net2000, Allegiance, Alltel, Comcast, RCN

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Opened	<input type="checkbox"/> 10/13/99	Unresolved	<input type="checkbox"/> Date	Resolved	<input type="checkbox"/> Date
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Issue 33: Long Loop Rejections

Bell Atlantic provides Covad with loop measurements that exceed 18,000 feet although Covad's measurement is less than 18,000 feet. On several occasions, when we have challenged the measurement, BA has requalified the loops and in many cases they come back at the length we measured them to be initially.

CLEC Proposed Resolution:

Bell Atlantic should have one process in place to qualify these loops correctly. The process that is currently in place gives one number on the first try and another number on the second try. That is not an accurate process. Bell Atlantic should explain at the October meeting the way in which they measure the loops, including whether or not a load coil or bridge tap is on the loop and how that effects the measurement, if at all.

BA Director: Bill Bragg (973) 660-0258

SME/Meeting Contact: Jim Katzman, Covad (703) 645-1080

General Meeting Contact, if different:

Sponsors: Covad Communications, Rhythms Net

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Issue 34: Facility Relief Action Plan

Covad requested Bell Atlantic to address if it had a "Copper Facility Relief Action Plan" across the BA region. Covad referred to SBC's announced \$4 billion copper loop improvement plan.

At the May 16th meeting:

Bell Atlantic provided the following information regarding its OSP modernization plan:

O Bell Atlantic will add 1,725,000 OSP cable pair terminations in the year 2000 as part of their \$2.6B OSP capital budget. Bell Atlantic will add OSP facilities at a rate of 1.33 times the projected year 2000 access line gain of 1,300,000 (Including Retail, Resale, BRI, PRI, and UNE loops). In 1999, Bell Atlantic added 1,675,000 OSP facilities even though the access line gain was only 1,050,000 lines (Including Retail, Resale, BRI, PRI, and UNE loops).

O In addition to OSP facilities growth, \$600M dollars of the \$2.6B capital budget in 2000 will be spent on rehabilitation of the copper plant in Bell Atlantic region (\$453M just in New York alone).

SME/Meeting Contact: Valerie Evans, Covad Communications (202) 220-0416

General Meeting Contact, if different:

Sponsors: Covad Communications, Rhythms Net, Net2000

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Opened	<input type="checkbox"/> 03/02/00	Unresolved	<input type="checkbox"/> Date	Resolved	<input type="checkbox"/> Date
Closed	<input type="checkbox"/>				

Issue 35: UNE DSL Loop Testing

CLECs wanted to discuss cooperative testing of UNE ADSL loop.

At the March 2, 2000 meeting Bell Atlantic discussed its cooperative testing process. Bill Bragg led the discussion relating to cooperative testing on UNE ADSL loop orders. In addition, Bill agreed to provide a copy of the process from the NY collaborative.

4-6-00 CLECs are receiving different answers for same issue. Methods and procedures are required. No status of cooperative testing.

BA Director: Bill Bragg (973) 660-0258

SME/Meeting Contact: Valerie Evans, Covad Communications (202) 220-0416

General Meeting Contact, if different:

Sponsor: Covad Communications

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Issue 36: Schedule for Future BAUG Meetings

There is great inconsistency in scheduling the BAUG meetings. There will always be conflicting meetings, conferences, etc. The BAUG meeting should be a standing meeting, not a meeting to be squeezed into schedules.

EXAMPLE: March 2, 2000 was the first General Meeting of the year. There should have been a January meeting.

CLEC Proposed Resolutions: Bell Atlantic should provide a calendar of dates for the remainder of the year with locations. There should be dates for July/Sept/Nov. All Bell Atlantic SMEs should adhere to those dates or provide alternates.

Timetable: Schedule to be presented at the May 16, 2000 Meeting

BA Response: The BAUG meetings scheduled for Jan 20 and Feb 16 were cancelled and rescheduled based on BAUG member request (not BA's request) to accommodate their participation at other industry/commission meetings. BA is committed to meet with the BAUG members on the scheduled dates. However, since there will be circumstances where BA and/or BAUG members are not available due to unforeseen reasons (e.g., unexpected state commission meeting requiring the BA SME to attend), we would expect that the members would continue to be flexible.

BA requests that the BAUG sponsors of each issue scheduled to be addressed at the meeting to also be in attendance so a productive discussion can take place.

BA proposes the following schedule for the BAUG meetings for the rest of 2000:

- July 18, 2000 at 1717 Arch St., Room 8, 10th Floor, Philadelphia
- Sept. 19, 2000 at 13100 Columbia Pike, Room 2, Silver Spring, MD
- Nov. 28, 2000 at 1717 Arch St., Room 8, 10th Floor, Philadelphia

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O Jan. 23, 2000 at 13100 Columbia Pike, Room 2, Silver Spring, MD

The BAUG accepted the above schedule of dates for future meetings.

BA Director: Tom Dreyer (914) 741-7600

CLEC Name and SME contact: Toni Evans, Teligent (703) 460-2556

General Meeting Contact, if different:

Sponsors: Teligent, Covad, Net2000, Rhythms Net, Allegiance, Alltel, Comcast, RCN

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Opened	<input type="checkbox"/>	04/06/00	Unresolved	<input type="checkbox"/>	Date	Resolved	<input type="checkbox"/>	Date
Closed	<input type="checkbox"/>	05/16/00						

Issue 37: Completion of LNP Disconnect Orders

We have customers who have experienced service outages due to old LNP orders that remain in BA's system. We will cancel an LNP order through the GUI system but BA will still work either the entire disconnect order or a part of it. It is our understanding that orders can appear as cancelled in SOP, but not in the other downstream systems. It also appears that the RCMAC and the RCCC are not communicating with each other. FairPoint and the TISOC issue the cancellation order as required but the orders remain in the system and the disconnect gets worked. We are losing customers over this issue and some have even threatened to sue us for loss of business. Ample time is given for the order to be cancelled. Two examples are given below. FairPoint has many more to provide upon request. This has become a daily occurrence.

(1) EXAMPLE:

LNP order was scheduled to cut on 2/2/00

FairPoint issued a request to cancel LNP order on 1/26 via the GUI (D5PT5203)

Bell worked a disconnect on 4/3/00 and the customer was taken out of service

(customer irate over disconnect recording)

BA disconnected the 2nd line in hunt group and it affected incoming calls (the old order in the system was D5TR8964)

FairPoint had to issue a "Records Only – Install Order" to get them back in service

(2) EXAMPLE: PON #PBC-K9691 (6 line account)

LNP order scheduled to cut on 3/9/00

FairPoint issued a request to cancel the LNP order on 3/1 via GUI

One segment of the "cancelled" disconnect order was worked by BA on 3/20 – customer taken out of service

TISOC issued new orders (3/20 1pm escalated to TISOC) to put customer back. Service was restored by 6pm 3/20.

CLEC Proposed Resolutions: It seems there are known problems which enable cancelled LNP orders to remain in BA's systems. Either the systems should be corrected or

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safeguards should be put in place to prevent service outages. It appears logical that the RCMAC should verify with the RCCC prior to removing any customer from service. What steps will BA take to stop unnecessary and damaging service outages to our customers?

At the May 16th meeting, BA's process for handling the cancellation of a LNP and associated disconnect order within 48 hours of the install date is that the CLEC should place a call to the TISOC and the RCCC to minimize and/or eliminate any service outages. The CLEC can send in a supp through DCAS, but they must follow-up with the phone calls to the TISOC and RCCC to ensure that all of the appropriate systems have been updated. Orlando Montan and Eli Diaz are the Directors of the RCCC in BA north and south, respectively.

Tom Maguire agreed to further investigate Fairpoint's examples above and get back to Fairpoint.

BA Directors: Orlando Montan, North (212) 240-1300; Eli Diaz, South (212) 285-5955
CLEC Name and SME contact: FairPoint Communications, Marlene Cross (704) 414-2517
General Meeting Contact, if different:
Sponsors: RCN, Allegiance, ATX, Net2000, ALLTEL, ATX, Teligent

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Issue 38: Issue Resolution Interval

Currently the issues are as follows:

Open - 17 (includes 1 on-going & 3 New)

Open date - 7/8/99-3 (Issues 16, 16a)

Open date - 12/8/98 – 1 (Issue 17)

Open date - 2/99 – 1 (Issue 22)

Open date - 5/18/99 -2 (Issues 24, 25)

Open date - 9/8/99 – 1 (Issue 30)

Open date - 10/13/99 - 3 (Issues 31, 32, 33)

Open date - 3/2/00 – 2 (Issues 34, 35)

Open date – 4/6/00-3 (Issues 36, 37, 38)

CLEC Proposed Resolutions: To save time and resources for both Bell Atlantic and CLECs issues resolution must be more efficient. Bell Atlantic must close issues within the time frame of two General Meetings. This equates to 90 calendar days. Issues should be closed either via SME presentation or email documentation between meetings. There needs to be a stronger effort to closed issues opened in 1998 and 1999.

At the May 16th meeting:

Bell Atlantic agrees that it will work with the members to close out issues within the time frame of two general meetings. Bell Atlantic requests that the members clearly define what actions are requested from Bell Atlantic in order to close out an issue.

BA Director: Tom Dreyer (914) 741-7600

CLEC Name and SME contact: Toni Evans, Teligent (703) 460-2556

General Meeting Contact, if different:

Sponsors: Teligent, Covad, Net2000, Rhythms Net, Allegiance, Alltel, Comcast, RCN

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Closed	<input type="checkbox"/> 05/16/00		
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Issue 39: CABS BOS Format

Bell Atlantic committed to the FCC that they would provide their Wholesale invoices in a CABS BOS Format 1/1/2000. As of April 2000, these invoices are not available for BA South Resale and UNE, BA North UNE, and there are no plans to provide this format for any Directory Listings.

EXAMPLE:

RCN's PA UNE invoice consists of approximately 17 rifle boxes of paper, per month. This volume is impossible to audit in a timely manner. We have been requesting an electronic media since January 1999, and specifically requested the CABS BOS format when we learned about Bell Atlantic's commitment to the FCC in December. To date, the information remains outstanding.

CLEC Proposed Resolutions:

Bell Atlantic should fulfill commitment and provide all wholesale invoices in CABS BOS format.

At the May 16 meeting, Sharon Foye (Manager Billing Assurance) 703-645-1262 advised that BA had some IS issues to resolve before the BOS format was available.

○ In BA south – all requests for BOS are on hold pending the IS resolution of issues which are expected to be fixed in the mid-July release.

○ In BA north – BA had a IS capacity issue which is expected to be resolved in the next 30-60 days.

Sharon will provide an update at the next BAUG meeting.

BA Director: Barbara Crawford (617) 743-2040

CLEC Name and SME contact: Ramona Price, RCN (609) 734-4590

General Meeting Contact, if different:

Sponsor: RCN

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Issue 40: Resale Billing with Multiple Independent Invoices

Bell Atlantic has had several problems with their Resale billing system causing multiple independent invoices, not captured on summary accounts.

EXAMPLE:

Since 1998, RCN has received hundreds of Independent invoices that are not captured on our summary accounts. Recently, we receive approximately 140 independent invoices per month, in addition to our 200 summary accounts. This issue impacts the CLEC in several ways: It takes up valuable time to reconcile the accounts and ensure that they are not our legitimate summary accounts and to work with Bell Atlantic to move the accounts to the appropriate summary account. We also receive disconnect notices for several of these accounts, which causes extensive research to ensure that the notices are not customer impacting. Also, because the volume is so high, many new accounts tend to get caught in the batch and ignored until the accounts are reviewed. RCN has repeatedly requested that these invoices be eliminated, but we continue to receive them. Bell Atlantic has cleaned up many of our existing market areas, but it appears that the problem returns when we enter into a new market area.

CLEC Proposed Resolutions:

Bell Atlantic needs to correct their billing system and eliminate these independent invoices.

At the May 16th meeting, Rich Sampson (Director, UNE Billing) stated that an independent bill is a separate paper bill sent to the reseller because the component account (WTN) was not attached to the Master BAN. Independent bills are caused by either a system or human error. Whenever a reseller received an Independent bill they should submit a claim that identifies the WTN and state that this is a claim to fix an Independent bill. The BA billing group will investigate, fix the error and issue the correct service order that attaches the WTN to the Master BAN.

BA Director: Rich Sampson (973) 649-1945

CLEC Name and SME contact: Ramona Price, RCN (609) 734-4590

General Meeting Contact, if different:

Sponsor: RCN

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Issue 41: Incorrect End User Information on DUF

There seems to be an inconsistency between ordering, provisioning, DUF processing, and billing in Bell Atlantic resale. Information on end users that do not belong to the CLEC is included in the CLEC's DUF.

EXAMPLE: RCN's often receives usage feeds for accounts that were not provisioned by RCN for resale.

CLEC Proposed Resolutions:

Bell Atlantic should provide a review of their order, DUF, and invoice processing to ensure that accounts are not incorrectly switched to CLECs.

At the May 16th meeting, Rich Sampson (Director, UNE Billing) stated that anytime a reseller sees usage that they believe is not for their customer, they should submit a claim. This is generally caused by a human error during the provisioning process. BA billing group will investigate and if the account is does not belong, will issue the appropriate credit and attach the WTN to the correct reseller.

BA Director: Rich Sampson (973) 649-1945

CLEC Name and SME contact: Ramona Price, RCN (609) 734-4590

General Meeting Contact, if different:

Sponsor: RCN

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Issue 42: Incorrect House & Riser Rate Components on Bill

The rate components used for the House & Riser Invoices in New York have been inconsistent.

EXAMPLE: Over the past year, the House & Riser invoices have been inconsistent. Some of the invoices reflected a 45 minute interval per occasion, while some added the total amount of time regardless of the number of activities. Also, some invoices identified the PON while some identified a circuit number.

CLEC Proposed Resolutions:

The House & Riser invoice needs to be consistent within the confines of the agreement.

At the May 16th meeting:

Rich Sampson (Director, UNE Billing) advised the members that this RCN-specific issue was now settled.

BA Director: Rich Sampson (973) 649-1945

CLEC Name and SME contact: Ramona Price, RCN (609) 734-4590

General Meeting Contact, if different:

Sponsor: RCN

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Issue 43: Incorrect INP Rates on Bill in New England

The INP charge in New England has been inconsistent with the CLEC Interconnection Agreement for 3 years.

EXAMPLE: RCN has repeatedly reminded Bell Atlantic that they need to correct the INP charge in New England. Bell Atlantic recognizes that the invoice is correct, but has not taken steps to correct the charges.

CLEC Proposed Resolutions:
Bell Atlantic needs to resolve this billing issue.

At the May 16th meeting, Rich Sampson (Director, UNE Billing) stated that there are two kinds of INP errors: (1) recurring charges are overstated and (2) usage is overstated. BA has a team reviewing every bill and call type and will issue all credits to all effected customers (even if they never asked for one) by the end of the 3rd Quarter

BA Director: Rich Sampson (973) 649-1945
CLEC Name and SME contact: Ramona Price, RCN (609) 734-4590
General Meeting Contact, if different:
Sponsor: RCN

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Issue 44: IXC Charges Appearing on Resale Bills

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Bell Atlantic need to address Billing and Collection issues surrounding IXC's and Information Providers where Billing & Collections Agreements do not exist with the CLEC.

EXAMPLE:

There are various scenarios where this issue applies:

- Resale customer is PIC'd to an IXC for Long Distance.
- Resale customer is PIC'd to one company for Regional Calls and another company for Long Distance.
- Resale customer makes 976 calls.
- Resale customer receives an IntraLata collect call. The customer disputes the collect call.
- Resale customer receives an IXC collect call.

In all cases, Bell Atlantic has a Billing & Collection agreement with the IXC's and Information Providers where they retain a Billing & Collection fee. They are considered fulfilling their obligation to the IXC by passing the charge to the CLEC, however, the CLEC doesn't have a billing and collection agreement with the carriers and should not be required to bill for the charges.

CLEC Proposed Resolutions:

Bell Atlantic needs to develop a billing and collection policy for IXC and Information Provider charges.

At the May 16th meeting, Rich Sampson (Director, UNE Billing) stated that IXC rates are not the issue. This is really a contract interpretation issue about information service providers (ISPs). RCN and BA will pursue this issue offline.

BA Director: Rich Sampson (973) 649-1945

LEC Name and SME contact: Ramona Price, RCN (609) 734-4590

General Meeting Contact, if different:

Sponsor: RCN

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Issue 45: Missing Port and NID Information on Loop Orders

In PA, RCN is not receiving a fax from the RCCC that contains all the RCN orders

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due for that time period with the necessary port and NID information. RCN receives a fax but it only contains about 20% of the orders due in that time period. Why? RCN will bring proof of the amount of orders they do not receive information on from April and May)

In addition, RCN would like to get a better understanding of the standard interval and business regulations are for using the Bell Atlantic 877-Hot-Cuts line.

BA Directors: Orlando Montan, North (212) 240-1300; Eli Diaz, South (212) 285-5955
CLEC Name and SME contact: Lisa Undercuffler, RCN (609) 734-
General Meeting Contact, if different: Joe Kahl 609-734-3827
Sponsor: RCN

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Opened	<input type="checkbox"/> 04/20/00	Unresolved	<input type="checkbox"/> Date	Resolved	<input type="checkbox"/> Date
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Issue 46: Process for Stopping a Port and Associated Disconnect within 48 Hours of the Install Date

RCN wants to discuss improving the process for stopping a number port if the customer

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cancels the install at the last minute or if they are not home on the day of install. These scenarios often result in the customer being disconnected by Bell Atlantic and RCN having to scramble to restore service. It seems Bell Atlantic has not offered us a process for stopping a port and associated disconnect within 48 hours of the install date.

At the May 16th meeting, Tom Maguire (Executive Director) advised that Bell Atlantic's process for handling the cancellation of a LNP and associated disconnect order within 48 hours of the install date is that the CLEC should place a call to the TISOC and the RCCC to minimize and/or eliminate any service outages. The CLEC can send in a supp through DCAS, but they must follow-up with the phone calls to the TISOC and RCCC to ensure that all of the appropriate systems have been updated. Orlando Montan and Eli Diaz are the Directors of the RCCC in BA north and south, respectively.

BA Executive Director: Tom Maguire (212) 395-3430
CLEC Name and SME contact: Craig Weit, RCN (609) 734-
General Meeting Contact, if different: Joe Kahl 609-734-3827
Sponsor: RCN

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Exhibit C

DECLARATION OF BODGAN SZFRANIEC

1. My name is Bogdan Szafraniec, independent consultant for Covad Communications Company ("Covad") since June 1999. In my role as consultant for Covad, I oversee CLEC to ILEC OSS gateway planning, development and implementation. I participate in OSS Change Management, review carrier merger conditions, participate in technical collaborative sessions, and define performance measurements for OSS Third Party Testing. Prior to working for Covad, I was a systems architecture consultant for Ameritech from September 1996 through March 1999. At Ameritech, I oversaw the design of pre-ordering, ordering, and trouble administration gateways; developed business continuity plans, participated in OBF, TCIF, ECIC, and T1 standard and guideline fora; designed order status and jeopardy notification applications; managed software vendors and reviewed proposals for OSS solutions; implemented OSS interface monitoring applications for performance reporting purposes; and devised strategy for selection of Corba, EDI and CMIP technologies.
2. It is of vital importance to Covad's ability to offer service to its customers that we gain access to loop makeup information. Without access to information on the loop length, type and length of bridged taps, load coils, presence of DLC or DAMLs, and other information about the loop, it is difficult for us to determine what level and quality of service we can offer to potential customers.
3. In the Verizon region, we have had no success in our efforts to get Verizon to provide us loop makeup information that we can access in a pre-ordering OSS transaction. We would like the ability to query Verizon's legacy databases before we sign up a

customer to determine what service to provide that customer, if any. Today, we must rely on Verizon to look up such information for us, because Verizon's Livewire prequalification tool stores very little of the same information that is stored in Verizon's legacy systems. Because we offer more types of DSL than Verizon, such information does not provide us what we need to offer those different types of service.

4. Covad has been asking Verizon for months and months to give Covad access to the loop makeup information that we know Verizon possesses in its back office OSS. Verizon has thus far refused. Verizon has offered to build various types of indirect access to loop makeup information, at costs of millions of dollars to the CLECs, but that is a solution that imposes unnecessary costs on us. I have asked Verizon to provide Covad with direct access to its loop makeup information, but Verizon instead is offering limited indirect access to systems which simply contain little or no data that we require. Verizon thus continues to refuse to provide us the loop makeup information that, I understand from Covad's regulatory group, the FCC's rules require Verizon to give us.
5. Earlier this year, I asked Verizon to run a test of its loop makeup database by taking a set of Covad in-service loops (i.e. loops that are already serving customers) and running a query through Verizon's OSS to see whether there was any loop makeup information on those loops. In October of this year, Verizon finally agreed to provide such information. Verizon ran loop makeup information inquiries on approximately 275 of Covad's loops and returned the results to me. Inexplicably, the results were provided to Covad in several files, each in a different format. In examining those

results, I determined that approximately 80% of the loops I had asked Verizon to check came back with some level of loop makeup information. This I believe runs counter to Verizon's contention that only 8-10% of their loops have any loop pre-qualification information in Verizon's databases.

6. The loops I provided to Verizon were all for New York state. It is my understanding that Verizon has the same pre-ordering OSS in New York and Massachusetts. It is also my understanding that Verizon makes that assertion in this proceeding as well.

I declare under penalty of perjury under the laws of the United States of America
that the foregoing is true to the best of my knowledge and understanding.

Dated: 11-03-00


Bogdan Szmaliec

Exhibit D

DECLARATION OF WANDA BALTHROP

1. My name is Wanda Balthrop. I am an operations manager for Covad Communications Company (Covad). In that capacity, I manage a group of Covad employees who are responsible for the loop test and acceptance process for Verizon. As such, I am personally familiar with the process by which Verizon and Covad engage in loop acceptance testing in Massachusetts. I am based at our network operation center in Manassas, Virginia. I have been employed by Covad since October of 1999.
2. It is my understanding that Verizon has submitted to the Federal Communications Commission certain information in conjunction with its application for authorization to offer long distance service in Massachusetts. In particular, I understand that Verizon has submitted performance data related to its repair and maintenance procedures, and that data demonstrates that Verizon provides better service to its own retail customers than it does to wholesale customers like Covad.
3. I understand that Verizon is blaming the large number of trouble tickets submitted on loops on Covad's failure to properly reject loops in the acceptance testing process. If Covad properly rejected loops that did not work for the particular flavor of DSL that Covad seeks to offer on that loop, Verizon says, then we would not be submitting so many trouble tickets after accepting the loops as good loops.
4. I understand that Covad first requested acceptance testing from Verizon in order to provide a mechanism for improving Verizon's poor loop delivery performance,

and that Verizon refused to perform acceptance testing until instructed by the New York Public Service Commission do to so.

5. In my experience, Covad has no incentive to accept loops as good if Covad has any reason to believe that the loops are non-working loops. When one of our ISP partners signs a customer up for Covad DSL, we order a loop from Verizon and inform the ISP of the end user's installation date. That installation date is based on the loop delivery date from Verizon, and the customer must stay home that day – all day – to wait for a Verizon technician to install the loop. If, during the acceptance testing process, we discover that the loop may not work, we will immediately ask the technician to ensure that the loop does work before completing the install. If we were to simply accept the loop and then open a trouble ticket, not only would our end user be denied on service for a longer period of time, but the end user would have to stay home another day to wait for Verizon to repair the loop. In my experience, end users who are forced to stay home twice to wait for service often become former Covad customers very quickly.
6. I also understand that Verizon claims that we accept loops that we eventually discover do not meet the parameters for the particular flavor of DSL we seek to offer, such as SDSL. Verizon claims we then open trouble tickets on those loops, which artificially inflates their trouble ticket metrics. This is also not true. Verizon's trouble ticket metrics are so high because such a large number of the loops they turn over to us simply do not work. They don't work for DSL, and they wouldn't work for voice either – they are simply nonworking loops.

7. At the time we acceptance test the loop with Verizon, the different flavors of DSL we offer do not require different types of acceptance testing. If we ordered a DSL loop from Verizon, we will go through the same acceptance test procedure with Verizon for our SDSL customers as we would for our ADSL customers – we are simply checking to see if the loop will work. When we later attempt to turn up service to our customer, the only variable in the flavor of DSL we offer is the length of the loop – if the loop is too long, we cannot offer SDSL. In that case, we would simply offer our customer a different flavor of DSL. Opening a trouble ticket as Verizon claims we do would accomplish nothing – we cannot ask Verizon to shorten an existing loop via the trouble ticket process. But this situation should not arise, because Verizon claims that it offers us actual loop length information in the pre-qualification process, and we would not attempt to provision SDSL over a loop we knew was too long. In any event, we would not open trouble tickets on loops that acceptance tested as good simply because we later discovered that SDSL would not work over the loop.
8. There are circumstances, however, in which Verizon would score a loop as acceptance tested good, and Covad would later open a trouble ticket on that loop. Those circumstances are Verizon's fault. Why would a loop acceptance tested as good eventually require a trouble ticket before we turn up service to our end users? In my experience, there are a number of ways that Verizon could have done their part of the acceptance test improperly. These reasons explain how we could accept a nonworking loop.

- a. The Verizon technician is not testing from the demarcation point on the loop. Covad has no way of telling if Verizon is testing from the correct point. If the technician is testing from a point other than the NID, such as a cross box, large portions of the loop were not tested (in this example, from the cross box to the demarcation point), and Covad would not know. We could therefore accept as good a loop that Verizon has only tested half of.
- b. Verizon claims that it couldn't access the house/riser cable inside the customer's premises, when it actually could have accessed it but chose not to test it. A problem with that untested portion of the loop could arise.
- c. A Verizon technician may get a different test readout on Verizon equipment than Covad's technician is receiving, and may choose to resolve the dispute in Verizon's favor by closing out the loop as good. We would have no way of knowing that the loop we rejected has actually been scored as good by the Verizon technician.
- d. Verizon is constantly conducting field work in its loop plant, and may accidentally "undo" a good loop subsequent to the acceptance test but prior to Covad end user turnup.
- e. A Verizon technician could simply be closing out the order without conducting acceptance testing at all. In some cases, the technician will indicate that there was "no access" at the customer's premises and will